

### **REMARKS**

The Office Action mailed on September 20, 2008, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-18 were pending, with claims 2-10 and 12-16 being withdrawn from prosecution. By this paper, Applicant does not cancel or add any claims. Therefore, claims 1-18 remain pending.

Applicant respectfully submits that the present application is in condition for allowance for at least the reasons that follow.

### **Rejections Under 35 U.S.C. § 102**

Claims 1, 11, 17 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kimura (EP 1,207,316). In response, Applicant traverses this rejection for at least the reasons that follow.

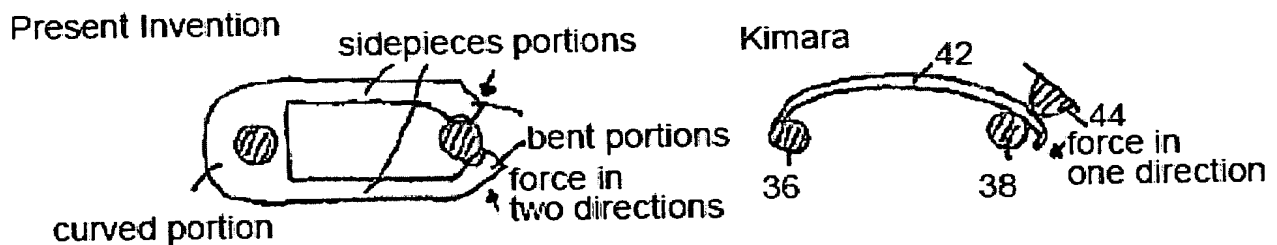
Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) For anticipation, “every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” (*Brown v. 3M*, 60 USPQ2d 1375 (Fed. Cir. 2001).) It is respectfully submitted that Kimura does not describe each and every element of any claim now pending, at least in a manner sufficient to support a rejection under the stringent standards of §102.

Claim 1 recites a power transmission device that includes the features of:

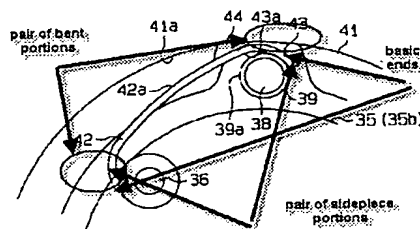
- (i) a coupling member that includes a pair of sidepiece portions disposed parallel to each other and a pair of bent portions having free ends and a curved portion having a hole through and into which the second pin is passed and fitted;
- (ii) the pair of bent portions having sandwich portions sandwiching the first pin,

- (iii) two or more projections two or more projections disposed at regular intervals one another in a circumferential direction of the first pin and contacted with the outside circumferential surface of the first pin; and
- (iv) one or more one or more surfaces each disposed between the adjacent projections and opposed to the outside circumferential surface of the first pin at a regular distance.

The Office Action alleges that element 42 of Kimura corresponds to the recited coupling member (feature “i” above), reproducing an annotated version of Fig. 5 of Kimura. Applicant disagrees that element 42 so teaches the recited coupling member. At most, Applicant will concede *arguendo* that element 42 (identified in Kimura as a power transmitting arm – identified in the Office Action as the coupling member) corresponds to **half of the recited coupling member** (one sidepiece portion, one bent portion, and a half of a curved portion). The differences between claim 1 and the teachings of Kimura may be seen from the exemplary schematic below:



The Office Action identifies two features of a sidepiece portion from Fig. 5 of Kimura, yet the identified sidepiece portions are not “disposed parallel to each other,” as is required by claim 1. Reproduced below is the schematic presented in the Office Action. The identified sidepiece portions are decidedly not disposed parallel to each other.



Further, element 42, the alleged coupling member (power transmitting arm) of Kimura does not sandwich element 38, the alleged first pin (engaging pin) of Kimura. Indeed, any force applied to element 38 is applied only from one direction, as the exemplary schematic on the previous page makes clear. The alleged coupling member of Kimura simply only contacts the first pin from one direction by the force from the fulcrum portion 44 that acts against the compression. Claim 1 is not anticipated by Kimura for at least this reason, but there are more reasons.

\* \* \* \* \*

The Office Action asserts that the pair of bent portions and the pair of sidepiece portions of claim 1 correspond to, respectively, (i) portions of the power transmitting arm 42 of Kimura bent around the supporting pin 36 and the engaging pin 38, and (ii) portions connected to the portions of the power transmitting arm 42 bent around the supporting pin 36 and the engaging pin 38 (just identified in “I”). Assuming *arguendo* that this assertion is accurate, *the curved portion of claim 1 must necessarily correspond to a center portion of the power transmitting arm 42. However, the center portion of the power transmitting arm 42 does not have a hole through and into which the second pin (supporting pin 36) is passed and fitted, as is required by claim 1.* Thus, claim 1 is not anticipated by Kimura for yet another reason.

\* \* \* \* \*

Kimura fails to present an anticipatory reference for yet an additional reason. The Office Action alleges that the sandwiching portions of claim 1 correspond to the fulcrum portion 44 of the power transmitting arm 42 of Kimura. However, the fulcrum portion 44 of the power transmitting arm 42 of Kimura does not have two or more projections disposed at regular intervals one another in a circumferential direction of the first pin (engaging pin 38) and contacted with the outside circumferential surface of the first pin (engaging pin 38), and one or more surfaces each disposed between the adjacent projections and opposed to the outside circumferential surface of the first pin (engaging pin 38) at a regular distance. The Office Action all but concedes this deficiency of Kimura, by pointing to the passage of

Kimura spanning cols. 7 and 8, and stating that “it is construed that sandwich portions contacts the outside surface of the first pin.” (Office Action, page 4, first paragraph, emphasis added.) Kimura simply does not teach this feature exactly as claimed in claim 1, and thus cannot anticipate claim 1.

\* \* \* \* \*

The differences between claim 1 and Kimura are not mere design choices. Kimura describes a different device than that of claim 1. Referring to paragraphs 0024-0035 and Figs. 2-4 of Kimura, it is submitted that Kimura merely describes a power transmitting arm 42 that is a plate spring and couples a sleeve 37, which is fitted around a support pin 36 of a hub 35, with a roller 39, which is supported by an engaging pin 38 of a pulley 32, to transmit power from the pulley 32 to the hub 35. The power transmitting arm 42 slightly projects outward from the sleeve 37 of the hub 35 and is wound inward around the roller 39 of the pulley 32. Under such a form, the power transmitting arm 42 engages with the roller 39 of the pulley 32 at an engaging recess 43 near the distal end thereof. The curvature of the cylindrical surface 39a of the roller 39 is larger than that of the sliding surface 43a of the engaging recess 43. A fulcrum portion 44 is formed of rubber and secured to an outer side 42a of the power transmitting arm 42 that faces a restricting surface 41a of a restricting ring 41 concentrically connected to the pulley 32. The fulcrum portion 44 is compressed between the outer side 42a of the power transmitting arm 42 and the restricting surface 41a of the restricting ring 41. The force that acts against the compression presses the power transmitting arm 42 against the roller 39 of the pulley 32. When the pulley 32 and the hub 35 are not rotated (that is, the variations of the load (torque) transmitted between the pulley 32 and the hub 35 is zero), a cylindrical surface 39a of the roller 39 contacts the sliding surface 43a of the engaging recess 43 only at neutral position N. The interval between the power transmitting arm 42 and the roller 39 increases as the roller 39 moves away from the neutral position N. Therefore, when the roller 39 and the power transmitting arm 42 relatively moves in the circumferential direction of the pulley 32, the contact position of the cylindrical surface 39a of the roller 39 and the sliding surface 43a of the engaging recess 43 shifts from the neutral position N.

\* \* \* \* \*

In summary, claim 1 is not anticipated by Kimura for at least the reasons just detailed. Claim 18 is not anticipated by Kimura for at least the pertinent reasons that prevent claim 1 from being anticipated by Kimura, as detailed above.

\* \* \* \* \*

Method claim 17 recites a method for manufacturing a power transmission device, comprising among other things, the steps of sandwiching the first pin between sandwich portions of the coupling member by rotating the transmission member on which the first pin is mounted to move the first pin toward an open end side of the spacing.” Kimura fails to disclose, or even suggest, the step of sandwiching the first pin between sandwich portions of the coupling member by rotating the transmission member on which the first pin is mounted to move the first pin toward an open end side of the spacing. Again, as detailed above, the alleged coupling member (power transmitting arm 42) of Kimura does not sandwich the alleged first pin (engaging pin 38) from two directions. The coupling member of Kimura only contacts the first pin from one direction by the force from the fulcrum portion 44 that acts against the compression. Method claim 17 is thus not anticipated by Kimura.

#### **Rejoinder of Claims 2-10 and 12-16**

Claims 2-10 and 12-16 stand withdrawn. Applicant notes that these claims depend either directly or ultimately from claim 1. Applicant respectfully requests that these claims be rejoined and allowed due to their dependency from claim 1, a claim that is allowable. Applicant respectfully submits that no significant burden is placed on the PTO by rejoining and examining these claims. Indeed, such action is concomitant with the indication that “upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.”

#### **Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

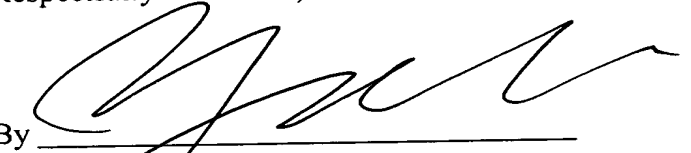
Examiner Altun is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

12/19/2008

By

  
\_\_\_\_\_  
Martin Cosenza  
Attorney for Applicant  
Registration No. 48,892

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4747  
Facsimile: (202) 672-5399